

C. Remarks

The claims are 1, 10 and 14-22, with claims 1 and 22 being independent. Reconsideration of the present claims is respectfully requested.

Claims 1, 10 and 14-22 stand rejected under 35 U.S.C. §103(a) as being obvious over Schroeder (WO 00/36924). Applicants respectfully traverse this rejection.

Applicants note that the present rejection is almost identical to the Office Action issued December 8, 2004, with the exception of the modification of the sentence which now reads: “Schroeder et al clearly teach water as the carrier (see Examples 11 and 13), wherein the composition is alcohol-free.” In fact, the outstanding rejection is practically identical to each of the Office Actions issued in this case to date. Accordingly, Applicants have now responded to the present rejection on at least three separate occasions.

What is more, Applicants’ representative has met with the Examiner at least two separate times at the Patent Office. During each interview, it was made clear that the sole remaining issue in this case was whether the claim language precluded the use of alcohol in the liquid compositions and not whether Schroeder discloses such alcohol-free compositions. Both interview summaries provided by the Examiner (March 22, 2006 and June 5, 2006) evidence this point.

Applicants further submit that the notion that Schroeder discloses an alcohol-free liquid composition of neotame has been dispensed with numerous times. As an example, in a response dated June 7, 2005, Applicants argued:

In fact, the only liquid compositions set forth in Schroeder are in Examples 3 and 4. However, in each example, ethanol is used in addition to water. By virtue of the “consisting of” language in present claim 1, any liquid composition containing ethanol would be outside the scope of this invention. All remaining examples in Schroeder contemplate encapsulation or gum formulations which do not require a liquid composition of neotame, both of which are entirely different from the presently claimed subject matter. In addition, Schroeder teaches that the amount of neotame typically

contained in a chewing gum composition ranges from 0.5 to 20% by weight; in (b) of the present invention, 30% by weight of neotame is employed.

Finally, while Schroeder seems to disclose the use of water generally in chewing gum formulations by virtue of its teaching that chewing gums have a water soluble portion, there is simply no disclosure of the steps of the presently claimed methods in which water is requisitely employed as a carrier. Applicants submit that the Examiner has not addressed this point, as no process steps of Schroeder have been discussed in the Office Action.

Revisiting Examples 11 and 13 of Schroeder (recited again in the outstanding Office Action) produces no new insights and clearly no basis upon which an obviousness rejection of the present claims can be sustained. Example 11 outlines the steps in encapsulating neotame with hydroxypropylmethylcellulose; the neotame employed in the method of Example 11 was already encapsulated in a prior step with capsul starch. Similarly, Example 13 outlines the steps in encapsulating neotame with hydroxypropylmethylcellulose; the neotame employed in the method of Example 13 was already encapsulated in a prior step with HiCap starch. Neither example is directed to or suggests a liquid composition of neotame as presently claimed. Instead both examples spray aqueous solutions of hydroxypropylmethylcellulose onto starch-encapsulated neotame in order to encapsulate it a second time. This is clearly different from the presently claimed methods wherein alcohol-free liquid compositions of neotame having (a) neotame and an alcohol-free liquid carrier consisting of water and a claimed suspending agent or (b) 30% by weight neotame and an alcohol-free liquid carrier consisting of water are made.

Accordingly, for all these reasons, Applicants respectfully request withdrawal of the §103 rejection.

In view of the foregoing remarks, favorable reconsideration and passage to issue of the present case is respectfully requested. Should the Examiner believe that issues

remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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